

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 25, 2004 (Paper No. 5). Upon entry of this response, claims 1-34 are pending in the application. In this response, claims 16-19 have been amended and claim 34 has been added. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Drawings Objections

The drawings have been objected to by the draftsman. Corrected formal drawings will be submitted upon receipt of a Notice of Allowability, should such notice issue.

2. Claim Objections

Claims 16-19 have been objected to for various informalities, and the outstanding Office Action has suggested amendments to address the informalities. Applicant has amended claims 16-19 according to these suggestions, and respectfully submits that the objection has been accommodated. Therefore, Applicant respectfully requests that the claim objections be withdrawn.

Applicant wishes to clarify that the amendments to claims 16-19 are made in response to an objection as requested by the Examiner, and not in response to a rejection related to patentability. Furthermore, Applicant asserts that these amendments clarify existing limitations, and do not introduce any new limitations that would require a new search.

3. Rejection of Claims 1-4, 9-13, 15-18, and 33 under 35 U.S.C. §102

Claims 1-4, 9-13, 15-18, and 33 have been rejected under §102(b) as allegedly anticipated by *Ludovici et al.* (U.S. 6,567,849). Applicant respectfully traverses these rejections.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 1, 9, 15, and 33

Applicant respectfully submits that *Ludovici et al.* fails to teach, disclose or suggest at least “sending a simulated control window of the virtual server service to the *prospective client system* in response to the first request, the simulated control window having a plurality of *demonstration components that simulate* corresponding system administration components of the active control window of the virtual server service” as recited in claims 1 and 33. Similarly, *Ludovici et al.* fails to teach, disclose or suggest at least “sending a simulated client interface to the client system via the server system in response to the first request, the simulated client interface having a plurality of demonstration components that simulate corresponding transaction components of an active client interface of the computerized service” as recited in claim 9. Finally, *Ludovici et al.* fails to teach, disclose or suggest at least “displaying at the prospective client system a simulated control window of the virtual server service received from the host server system in response to the first request from the prospective client system, the simulated control window having a plurality of demonstration components that simulate corresponding administration components of an active control window of the virtual server service” as recited in claim 15.

Ludovici et al. discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs allow “creating and deleting instances of servers, associating

a configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.)

However, *Ludovici et al.* does not appear to distinguish between active clients and prospective clients, as does Applicant’s claimed invention as defined by claims 1, 9, 15, and 33. Applicant’s invention allows active clients having an account associated with the virtual server service to actually configure the virtual server service, using system administration components in an active control window. In contrast to *Ludovici et al.*, Applicant’s invention also provides prospective clients with a demonstration of the virtual server service so that the prospective client can experience the look and feel of the virtual server service. The settings selected by the prospective client during the demonstration are not applied to an active account. (Specification, p. 5, lines 15-20; p. 6, lines 10-15; p. 10, line 25 to p. 11, line 5; p. 12, lines 10-20.)

Thus, in Applicant’s claimed invention as defined by claims 1, 9, 15, and 33, a “prospective client” requests the host server to “demonstrate the virtual server service.” The host server responds by sending a “simulated control window” having components that “simulate corresponding system administration components of the active control window.” Applicant can find nothing in *Ludovici et al.* to teach, disclose, or suggest either simulating or demonstrating system administration.

For at least the reason that *Ludovici et al.* fails to disclose, teach or suggest the above-described limitations, Applicant respectfully submits that *Ludovici et al.* does not anticipate claims 1, 9, 15, and 33 as amended. Therefore, Applicant requests that the Examiner’s rejection of claims 1, 9, 15, and 33 be withdrawn.

b. Claims 2-4, 10-13, and 16-18

Since claims 1, 9, 15, and 33 are allowable, Applicant respectfully submits that claims 2-4, 10-13, and 16-18 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2-4, 10-13, and 16-18 be withdrawn.

4. Rejection of Claims 5-8, 14, and 19 under 35 U.S.C. §103

Claims 5-8, 14, and 19 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Rieger* (U.S. 6,654,800), and further in view of *Carlson* (U.S. 6,697,849), *Forbes et al.* (U.S. 2001/0029605), *Reisman* (U.S. 2002/0124055), and *Kloba et al.* (U.S. 6,553,412). Applicant respectfully traverses these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 5, 14, and 19

Applicant respectfully submits that claims 5, 14, and 19 are allowable for at least the reason that the proposed combination of *Ludovici et al.* in view of *Rieger*, *Carlson*, *Forbes et al.*, *Resiman*, and *Kloba et al.* does not disclose, teach, or suggest at least the feature of “the demonstration components of the simulated control window comprise a server status component, an event manager component, a software manager component, a file manager component, an email manager component, a user manager component, a web manager component, and a database manager component” as recited in claims 5, 14, and 19.

1) The *Rieger* reference

The Office Action asserts that *Rieger* discloses the “email manager component,” the “user manager component,” and the “web manager component” recited in claims 5, 14, and 19. Applicant respectfully disagrees. *Rieger* discloses a system running on an HTTP server that includes a GUI manager, a database, a User Accounts Manager, and an Email Manager. Although FIG. 1 of *Rieger* shows the User Accounts Manager and Email Manager interfacing with the GUI Manager, there is no teaching or suggestion that either Manager is responsible for handling windows associated with User Accounts or with Email. The two Managers appear to simply store information in the database and retrieve information from the database on demand from the GUI. (Col. 6, lines 35-40; lines 55-60). In addition, Applicant can find no teaching of a “web manager component” in *Rieger*, and notes that the passage cited in the Office Action refers to a Map Manager.

Software functions, objects, and APIs are commonly referred to as “managers.” However, Applicant’s claimed invention as defined by claims 5, 14, and 19, recites not “managers” but “manager components” that are part of a “control window.” Specifically, claims 5, 14, and 19 recite “wherein the demonstration components of the simulated control window comprise...an email manager component, a user manager component, a web manager component...”

Applicant can find no teaching in *Rieger* to suggest that the Email Manager or the User Accounts Manager are part of a “control window” as recited in claims 5, 14, and 19. Nor does *Rieger* disclose, teach, or suggest the other components recited in claims 5, 14, and 19 (server status component, event manager component, software manager component, file manager component, database manager component).

2) The Carlson reference

The Office Action asserts that *Carlson* discloses the “server status component” and “event manager component” recited in claims 5, 14, and 19. Applicant respectfully disagrees. *Carlson* discloses a client computer with a thread that maintains application status information. (Col. 17, line 63 to Col. 18, line 4). *Carlson* also discloses an event management API and an event manager object, through which programs can register an event, so that a set of actions may be performed when this event is triggered. (Col. 30, lines 15-25; Col. 31, line 25 to Col. 32, line 55).

Software functions, objects and APIs are commonly referred to as “managers.” However, Applicant’s claimed invention as defined by claims 5, 14, and 19, recites not “managers” but “manager components” that are part of a “control window.” Specifically, claims 5, 14, and 19 recite “wherein the demonstration components of the simulated control window comprise a server status component, an event manager component...”

Applicant can find no teaching in *Carlson* to suggest that either the server status thread or the event manager object is part of a “control window” as recited in claims 5, 14, and 19. Nor does *Carlson* disclose, teach, or suggest the other components recited in claims 5, 14, and 19 (software manager component, file manager component, email manager component, user manager component, a web manager component, and database manager component).

3) The Forbes et al. reference

The Office Action asserts that *Forbes et al.* discloses the “software manager component” recited in claims 5, 14, and 19. Applicant respectfully disagrees. *Forbes et al.* discloses a software package manager that manages the installation, execution, and uninstallation of software packages. (Abstract.)

It is true that software functions, objects, and APIs are commonly referred to as “managers” and “components.” However, Applicant’s claimed invention as defined by claims 5, 14, and 19, recites “manager components” that are part of a “control window.” Specifically, claims 5, 14, and 19 recite “wherein the demonstration components of the simulated control window comprise...a software manager component...”

Applicant can find no teaching in *Forbes et al.* to suggest that the software package manager is part of a “control window” as recited in claims 5, 14, and 19. Nor does *Forbes et al.* disclose, teach, or suggest the other components recited in claims 5, 14, and 19 (server status component, event manager component, file manager component, email manager component, user manager component, a web manager component, and database manager component).

4) The *Reisman* reference

Applicant notes that *Reisman* does not disclose, teach, or suggest the following components recited in claims 5, 14, and 19: server status component, event manager component, software manager component, email manager component, user manager component, a web manager component, or database manager component.

5) The *Kloba et al.* reference

The Office Action asserts that *Kloba et al.* discloses the “database manager component” recited in claims 5, 14, and 19. Applicant respectfully disagrees. *Kloba et al.* discloses systems and methods for enabling web content to be loaded on mobile devices, and for users of mobile devices to operate with such web content on their mobile devices in an interactive manner while in an off-line mode. (Abstract.) The client software includes layout and rendering module 134, forms module 136, control module 142, a user interface 144, a client extension interface 138, a client interface module 112, a client communications module 110, a JavaScript™ engine 140,

and a database module 146. (Col. 10, lines 63-67). The database module 146 is also referred to as a database manager 146 in various portions of this reference.

Software functions, objects and APIs are commonly referred to as “managers.” However, Applicant’s claimed invention as defined by claims 5, 14, and 19, recites not “managers” but “manager components” that are part of a “control window.” Specifically, claims 5, 14, and 19 recite “wherein the demonstration components of the simulated control window comprise...a database manager component...”

Applicant can find no teaching in *Kloba et al.* to suggest that the **database manager** 146 is part of a “control window” as recited in claims 5, 14, and 19. The system disclosed by *Kloba et al.* does appear to draw forms on the client screen based on information from the client database manager 146. However, it is the layout and rendering module 134, rather than the client database manager 146, that performs this display function.

Layout and rendering module 134 controls the processing of data objects on client 108, such as the layout and rendering of data objects on client 108. For example, the layout portion of module 134 obtains information from databases of the client 108 (via the database manager 146) and determines where such information should be rendered on the display of the client 108. Such information may include anything that can be rendered, such as but not limited to images, text, links, etc. The rendering portion of module 134 is responsible for drawing items on the display (drawing bits to the screen). (Col. 11, lines 5-12).

Finally, *Kloba et al.* does not disclose, teach, or suggest the other components recited in claims 5, 14, and 19 (server status component, event manager component, file manager component, email manager component, user manager component, web manager component).

6) The combination does not teach all claimed elements

Accordingly, the proposed combination of *Ludovici et al.*, *Rieger*, *Carlson*, *Forbes et al.*, *Resiman*, and *Kloba et al.* does not teach at least the claimed limitations “the demonstration

components of the simulated control window comprise a server status component, an event manager component, a software manager component, a file manager component, an email manager component, a user manager component, a web manager component, and a database manager component” as recited in claims 5, 14, and 19. Since the proposed combination of does not teach at least the above-described features recited in claims 5, 14, and 19, a *prima facie* case establishing an obviousness rejection by *Ludovici et al.* in view of *Rieger* has not been made. Thus, claims 5, 14, and 19 are not obvious under the proposed combination of *Ludovici et al.* in view of *Rieger* and the rejection should be withdrawn.

b. Claims 6-8

Since claims 5, 14, and 19 are allowable, Applicant respectfully submits that claims 6-8 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 6-8 be withdrawn.

5. Rejection of Claims 20-22, 25, 27, 28, and 31 under 35 U.S.C. §103

Claims 20-22, 25, 27, 28, and 31 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Rieger* (U.S. 6,654,800). Applicant respectfully traverses these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 20 and 27

Applicant respectfully submits that claims 20 and 27 are allowable for at least the reason that the proposed combination of *Ludovici et al.* in view of *Rieger* does not disclose, teach, or suggest at least the feature of “***demonstration components that simulate*** corresponding system administration components of the active account control window; and instructions stored in the memory of the computer that cause the central processor to retrieve a demonstration message from the demonstration module in response to a request from a prospective client ***without first setting up an active trial account for the prospective client,***” as recited in claims 20 and 27.

Ludovici et al. discloses “a system and method for serving HTML pages to web browsers for the purpose of administration and configuration.” (Abstract.) A plurality of HTML forms and corresponding binary programs allow “creating and deleting instances of servers, associating a configuration file with a server instance, changing server instance start up parameters, and starting, ending, and restarting server instances.” (Abstract.)

However, *Ludovici et al.* does not appear to distinguish between active clients and prospective clients, as does Applicant’s claimed invention as defined by claims 1, 9, 15, and 33. Applicant’s invention allows active clients having an account associated with the virtual server service to actually configure the virtual server service, using system administration components in an active control window. In contrast to *Ludovici et al.*, Applicant’s invention also provides prospective clients with a demonstration of the virtual server service so that the prospective client can experience the look and feel of the virtual server service. The settings selected by the prospective client during the demonstration are not applied to an active account. (Specification, p. 5, lines 15-20; p. 6, lines 10-15; p. 10, line 25 to p. 11, line 5; p. 12, lines 10-20.)

Thus, in Applicant’s claimed invention as defined by claims 1, 9, 15, and 33, a “prospective client” requests the host server to “demonstrate the virtual server service.” The host

server responds by sending a “simulated control window” having components that “simulate corresponding system administration components of the active control window.” Applicant can find nothing in *Ludovici et al.* to teach, disclose, or suggest either simulating or demonstrating system administration. Furthermore, Applicant can find nothing in *Rieger* to teach, disclose, or suggest either simulating or demonstrating system administration. *Rieger* discloses a system running on an HTTP server that includes a GUI manager, a database, a User Accounts Manager, and an Email Manager (FIG. 1.), but contains no discussion of prospective clients, or of simulation or demonstration without first setting up an active trial account.

Accordingly, the proposed combination of *Ludovici et al.* and *Rieger* does not teach at least the claimed limitations of a “***demonstration components that simulate*** corresponding system administration components of the active account control window; and instructions stored in the memory of the computer that cause the central processor to retrieve a demonstration message from the demonstration module in response to a request from a prospective client ***without first setting up an active trial account for the prospective client,***” as recited in claims 20 and 27. Since the proposed combination does not teach at least the above-described features recited in claims 20 and 27, a *prima facie* case establishing an obviousness rejection by *Ludovici et al.* in view of *Rieger* has not been made. Thus, claims 20 and 27 are not obvious under the proposed combination of *Ludovici et al.* in view of *Rieger* and the rejection should be withdrawn.

b. Claims 21-22, 25, 28, and 31

Since claims 20 and 27 are allowable, Applicant respectfully submits that claims 21-22, 25, 28, and 31 are allowable for at least the reason that each depends from an allowable claim.

In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 21-22, 25, 28, and 31 be withdrawn.

6. Rejection of Claims 23 and 29 under 35 U.S.C. §103

Claims 23 and 29 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Rieger* (U.S. 6,654,800) and further in view of *Carlson* (U.S. 6,697,849). Applicant respectfully traverses these rejections. Since claims 22 and 27 are allowable, Applicant respectfully submits that claims 23 and 29 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 23 and 29 be withdrawn.

7. Rejection of Claims 24 and 30 under 35 U.S.C. §103

Claims 24 and 30 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Rieger* (U.S. 6,654,800) and further in view of *Forbes et al.* (U.S. 2001/0029605). Applicant respectfully traverses these rejections. Since claims 22 and 27 are allowable, Applicant respectfully submits that claims 24 and 30 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 24 and 30 be withdrawn.

8. Rejection of Claims 26 and 32 under 35 U.S.C. §103

Claims 26 and 32 have been rejected under §103(a) as allegedly obvious over *Ludovici et al.* (U.S. 6,567,849) in view of *Rieger* (U.S. 6,654,800) and further in view of *Kloba et al.* (U.S. 6,553,412). Applicant respectfully traverses these rejections. Since claims 22 and 27 are

allowable, Applicant respectfully submits that claims 26 and 32 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 26 and 32 be withdrawn.

9. Newly Added Claims

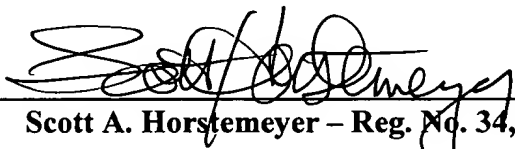
Applicant submits that no new matter has been added in the new claim 34 and that new claim 34 is allowable over the cited prior art. Specifically, new claim 34 is allowable for at least the reason that the cited prior art does not teach, suggest, or disclose “receiving a first request at the host server from a prospective client to demonstrate the virtual server service, the prospective client not having an account on the host server allowing configuration of the virtual server service.” Therefore, Applicant requests that the Examiner enter and allow the above new claim.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-34 be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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